



Office of Mayor Ted Wheeler

City of Portland

Memo

Date: January 4, 2018

TO: City of Portland Public Records Administrators for Mayor's Office Bureaus

FROM: Mayor Ted Wheeler

CC: City Attorney's Office

RE: Legal exemptions for public records

Dear City of Portland Public Records Administrators,

I want to thank you for your work. Having custodians of public records who are prompt, ethical and meticulous is a key function of government, and ensures that the City of Portland is operating in a transparent way.

You may have already heard that, as of January 1, 2019, the Portland Police Bureau no longer charges crime victims for copies of police reports. This is one example of the public records policy reform that my office is committed to. Over the next few months, I will be looking at other ways to make obtaining public records process cheaper and more efficient.

In the spirit of creating a culture of transparency and accountability for how records are handled, I want to encourage the release of public records whenever possible. I want to make sure that asserted exemptions are carefully evaluated before they are used. The balancing test for conditional exemptions should be decided at the Bureau Director (or designee) level. Additionally, any Bureau that wants to assert a conditional exemption for records requested by the press will now require a legal review from the City Attorney's Office. That review will evaluate whether the records are conditionally exempt subject to the balancing test decided by the Bureau Director. Additionally, should a Bureau Director decide to not provide exempt records, they must notify my office. As before, any waiver of the attorney client privilege would need to be made by the appropriate elected official in consultation with the City Attorney's Office. This is to ensure that if there is any question around whether a record can be released, the decision will be made at the correct level and include a legal evaluation, and that I will be informed. This policy will go into effect today.

Thank you for your continued efforts to make the work of government more accessible and transparent.

Sincerely,

Mayor Ted Wheeler